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5/20/03

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Commissioner for Patents, Mail Stop RCE  
PO Box 1450  
Alexandria, VA 22313-1450

Application Number	09/531,969
Filing Date	March 21, 2000
First Named Inventor	Jan Gelieber
Art Unit	1632
Examiner Name	Peter Paras, Jr.
Attorney Docket Number	96700/596

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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

a.  Previously submitted

- Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- Other \_\_\_\_\_

b.  Enclosed

- Amendment/Reply (Preliminary Amendment)
- Affidavit(s)/Declaration(s)
- Information Disclosure Statement (IDS)
- Other 10 references & European Search Report w/IDS  
Petition for three month extension, return receipt postcard, cover letter

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1785

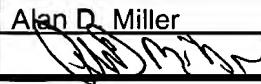
- RCE fee required under 37 CFR 1.17(e)
- Extension of time fee (37 CFR 1.136 and 1.17)
- Other Any required fee to preserve the pendency of the application.

b.  Check in the amount of \$840.00 ~~is enclosed~~ Enclosed 05/22/2003 AWONDAF1 00000032 09531969

c.  Payment by credit card (Form PTO-2038 enclosed) ~~is~~ 01 FC:2801 375.00 OP

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Alan D. Miller	Registration No. (Attorney/Agent)	42,889
Signature		Date	May 20, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Express Mail No. EV 337090974 US

Name (Print/Type)	Alan D. Miller
Signature	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



#170  
DCA  
5/29/03

Dkt No. 96700/596

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jan Geliebter, George J. Christ, Arnold Melman, and Jamil Rehman  
Serial No. : 09/531,969  
Filed : March 21, 2000  
For : GENE THERAPY FOR REGULATING SMOOTH MUSCLE TONE  
Examiner : Peter Paras, Jr.  
Group Art Unit : 1632

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MAY 2, 3 2003

PRELIMINARY AMENDMENT, INFORMATION DISCLOSURE STATEMENT,  
AND PETITION FOR A THREE MONTH EXTENSION OF TIME

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Mail Stop RCE

Sir:

A Final Office Action was issued on July 29, 2002 in connection with the above-identified application. Applicants timely filed a reply on October 29, 2002. An Advisory Action was issued on November 14, 2002. On December 20, 2002, applicants timely filed a Notice Of Appeal And Petition For A Two Month Extension Of Time. Further to the December 20, 2002 Notice Of Appeal, applicants herewith petition for a three month extension of time in which file a Request for Continued Examination under 37 C.F.R. §1.114. The fee for a three month extension of time for a small entity is \$465.00 and a check including this amount is enclosed. With a three month extension of time, the deadline for filing a Request for Continued Examination is May 20, 2003. Accordingly, this Preliminary Amendment and Information Disclosure Statement and accompanying Request for Continued Examination are being timely filed.

05/22/2003 AWONDAF1 00000032 09531969

02 FC:2253

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